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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:20-cv-00436-MMD-WGC

Order

Re: ECF Nos. 12, 13

VERNON NELSON,

Plaintiff

v.

R. TRUESDELL, et. al.

Defendants

Plaintiff filed a complaint (ECF No. 1-1), and then filed a motion to amend his complaint and first amended complaint (FAC). (ECF Nos. 3, 3-1.) The court granted the motion to amend and screened the FAC. The court allowed Plaintiff to proceed with an Eighth Amendment claim as well as a retaliation claim against defendant R. Truesdell, based on allegations that Truesdell inappropriately grabbed his penis, and then wrote Plaintiff up for a false notice of charges after Plaintiff complained. The court dismissed defendant Bobby Preston as well as Plaintiff's due process and conspiracy claims. (ECF No. 4.)

The parties engaged in an early mediation conference (EMC), which was unsuccessful. The Attorney General's Office subsequently accepted service on behalf of Richard Truesdell. (ECF No. 11.)

Plaintiff has now filed to motions: (1) a Motion to Adopt the Original Screening Order (ECF No. 4) for his Second Amended Complaint (SAC) (ECF No. 12), and (2) a Motion to Amend Civil Complaint (ECF No. 13).

1 Plaintiff seeks to file a SAC that only sets forth the Eighth Amendment and retaliation
2 claims against Truesdell, and omits the allegations, party and claims that were dismissed by the
3 court when it screened the FAC.

4 While it is not necessary for Plaintiff to amend in this regard, as the FAC would have
5 only proceeded on the claims against Truesdell as set forth in the screening order, the court will
6 grant Plaintiff's motions. Plaintiff has simply omitted the allegations, claims and parties that are
7 no longer proceeding before the court, and has not added factual allegations or claims to the
8 SAC.


9 CONCLUSION

10 Plaintiff's motion to amend (ECF No. 13) is **GRANTED**. The Clerk shall **FILE** the SAC
11 (ECF No. 13-1). This action will proceed on the SAC. Plaintiff's motion to adopt the original
12 screening order (ECF No. 4) for the SAC (ECF No. 12) is **GRANTED**. The SAC will proceed
13 with the Eighth Amendment and retaliation claims against defendant Truesdell as was outlined in
14 the screening order at ECF No. 4.

15 Defendant Truesdell shall file an answer or other responsive pleading within **21 days**
16 from the date of this Order.

17 **IT IS SO ORDERED.**

18 Dated: June 23, 2021

19 
20 William G. Cobb
21 United States Magistrate Judge
22
23